IN THE U.S. DISTRICT COURT FOR MARYLAND SOUTHERN DIVISION

BEYOND SYSTEMS, INC.

Plaintiff

v.

Case No. PJM 08-cv-0921

WORLD AVENUE U.S.A., LLC

successor by merger to NIUTECH, LLC.,
dba "The Useful"et al.

Defendants.

*

*

AFFIDAVIT OF MICHAEL S. ROTHMAN

- I, Michael S. Rothman, being of full age, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury as follow:
- 1. I make this affidavit upon personal knowledge, I am over the age of eighteen (18) years old, and I am competent to testify to the matters stated herein.
- I am the sole attorney and principal owner of The Law Office of Michael
 Rothman located in Rockville, Maryland, and was so employed during all of 2010.
- 3. I am also co-counsel for Beyond Systems, Inc. in the underlying matter, along with Stephen Ring.
- 4. On or about January 8, 2010, I directed Ms. Ornitz to prepare non-party subpoenas to be issued to the following entities in this case: Experian/Consumer Info (Resident Agent), Experian (aka Star Club Rewards) (*two different addresses*), Citibank Mastercard, BMG Music Service, Columbia House (*two different addresses*), Rhapsody

America, LLC, Account Now, LLC, Direct Brands, Inc, StyleMyHouse, LLC, America Online, Inc, Direct TV, Intersection, Inc, Body Sculpture, Tassimodirect, Blockbuster Online DVD Rental, Kraft Food, Inc, Dish Network, Discover Financial Services, Vonage, Match.com, and Netflix.

- 5. That same day I caused twenty-three (23) subpoenas to be mailed to these entities at their addresses of record. I know this because I have the proofs of mailing in my possession.
- 6. Unbeknownst to me, the electronic file used to create the non-party subpoenas was saved using Adobe Acrobat <u>Reader</u> software, which by design is not the full version of the Adobe Acrobat software and cannot and save information to the file.
- 7. On *February 1, 2010*, Defendant served Plaintiff with a "Request for Copies", seeking copies of the non-party subpoenas issued by Plaintiff. *See* MTD, Ex. 4.
- 8. As a result, I directed Mr. Ornitz to use the office's ScanSnap Scanner to scan in the original subpoenas in our file to create an electronic copy of all original non-party subpoenas that we had sent to the recipients to send to Defendant, pursuant to their Request for Copies.
- 9. At that time, Ms. Ornitz informed me that we had inadvertently mailed twelve (12) of the <u>original</u> subpoenas signed in blue ink to the non-party recipients. The remaining eleven (11) subpoenas in Counsel's possession were originals. *See* Exhibit A.
- 10. For the twelve (12) original subpoenas signed in blue ink that were missing, I directed Ms. Ornitz to re-print the exact same subpoena that had been sent out

to non-party recipients on January 8, 2010, for the purposes of re-signing <u>just</u> the subpoena in blue ink without changes.

- 11. Once Ms. Ornitz re-opened the original files for printing, however, she informed me that previously stored Adobe Acrobat Reader files containing electronic copies of the original non-party subpoenas would not print using the Acrobat Reader software then installed. She was, however, able to open and print the <u>same</u> documents using another .pdf reader in order to print ("Preview").
- 12. I asked Mr. Ornitz to describe the process by which she planned to recreate only the <u>first two pages</u> of the non-party subpoenas for me to re-sign in blue ink (Attachment A, including the Definitions, and Instructions were not to change).
- 13. Ms. Ornitz explained to me that she was able to use another .pdf reader ("Preview") to open the electronic files of the non-party subpoenas to re-print only the two-page subpoenas. The Preview program, however, changed the "check mark" shown on the left side of Defendant's MTD, Figure 1, to a "circle" on the shown on the right side of Defendant's MTD, Figure 1.
- 14. Ms. Ornitz provided me with electronic files containing what I believed to be the **first two pages** all of all twenty-three (23) non-party subpoenas *duces tecum* issued.
- 15. For the twelve (12) non-party subpoenas in which the originals were inadvertently sent to the recipients, I re-signed the first page of what we believed to be the <u>exact same</u> subpoenas *duces tecum* (including the Attachment A) issued to those same non-parties on January 8, 2010. An exact electronic copy of the first two pages of the

- twelve (12) non-party subpoenas in which the originals were inadvertently sent to the recipients is attached here as **Exhibit A**.
- 16. I electronically compiled the "Attachment A" saved in each of the twenty-three (23) files that I created on my <u>office</u> computer for each non-party recipient, with the electronic copy of the signed two-page subpoena sent to me by Ms. Ornitz to create a complete file for emailing to the Defendant. At the time, I believe that I was merely compiling an electronic copy of the subpoena that had been previously sent to each non-party recipient on January 8th.
- 17. Between February 5th and 7th, the Washington Metropolitan area received *nearly twenty (20) inches of snow*, closing most area facilities. During the blizzard, I worked from my home computer much of the time. My email records also indicate that I sent multiple copies of the subpoenas, including the Attachment A's, between both my home and office computer during that time.
- 18. On February 8th, I forwarded Defendant's Counsel complete copies of the electronic files of the non-party subpoenas from my <u>office</u> computer. In my Response, I noted that BSI was serving "signed subpoenas issued by Plaintiff to all third parties; and 2) any documents it has received thus far pursuant to said subpoena. This will confirm that WORLD AVENUE has received copies and responses of all outstanding subpoenas and responses." *See* MTD, Ex. 14.
- 19. In examining the Attachment A of Exhibit 14 (0087-DirectBrands) with Exhbit 23, BSI (Non-Party Subpoena Responses) 000032, the Attachment A's are not the same.

- 20. This was an <u>unintentional</u> error on my part in appending the wrong version of Attachment A from my files to the first two pages of the signed subpoenas to non-party recipients.
- 21. The Properties creation date listed in Defendant's Figure 2 appears to be correct. Our office uses a ScanSnap Scanner in which hard copies of documents can be scanned to create electronic .pdf files. A creation date between February 3rd (or a modification date of February 8th) would comport with my understanding of the facts.
- 22. On May 21, 2010, I personally mailed letters to all previous twenty-three (23) non-party subpoena recipients listed above to disregard the subpoenas originally sent. A copy of those letters that I prepared and sent are appended to my declaration as **Exhibit B**.
- 23. On Friday, May 22nd, I sent Defendant's Counsel a comprehensive "Compliance Letter" detailing my extensive efforts between February 1st and May 22nd to resolve any outstanding issues regarding the Court's April 12th Order [DE 212]. *See* MTD, Exhibit 22 [DE 323-23 (p. 3-5 of 71) (May 21st letter to Counsel bearing files names A-1 through A-8 and detailing the facts as just recited, *attached to Opp. MTD*, *Exhibit 1 ("the Compliance Letter")*.
- 24. In accordance with the Compliance Letter and on the same day, May 22nd (but in a different email and sixteen minutes later), I sent Defendant's Counsel a copy of all the responses BSI had received from any non-party, whether previously served upon WAUSA or not, in an effort to resolve any remaining issues with WAUSA regarding compliance with DE 212. See MTD, Ex. 23 [DE 323-24 (p. 2 of 76).

- 25. Along with the Compliance Letter, I also sent a complete and detailed listing of all my contacts made with non-party subpoena recipients pursuant to the subpoenas issued on January 8th. A list of those contacts were contained in Exhibit A-8 to the Compliance Letter.
- 26. I was unaware that any of the versions of the non-party subpoenas I sent to Defendant on February 8th were different in any respect from the subpoenas I actually sent to the non-party recipients on January 8th.
- 27. Until the filing of the present motion, Defendant's Counsel did not alert Plaintiff's Counsel of any difference in the versions. Any difference in the two versions was entirely unintentional.
- 28. I cannot locate a copy of the Vonage Letter; the Dish Network Letter; the Blockbuster Online DVD Letter; the Intersections, Inc. Letter; the Citibank Mastercard Letter; the AccountNow Letter; or the StyleMyHouse Letter referenced in Plaintiff's Non-Party Contact Chart attached to the Compliance Letter as Exhibit A-8 sent to the Defendant on May 22nd.
- 29. I solemnly declare under penalty of perjury that the contents of the foregoing declaration are true and correct.

Michael S. Rothman

Date

Executed on:

EXHIBIT A

Beyond Systems, Inc., Plaintiff DISTRI		
2 - Joseph M. J. J. Jan IIII	CT OF	MARYLAND
World Avenue U.S.A., LC, et al., Defendants	SUBPOE	NA IN A CIVIL CASE
StyleMyHouse, LLC TO: 135 Townsend St. Suite 626 San Fransisco, CA 94110 c/o Corporation Service Company, Resident Agent 2711 Centerville Rd Suite 400 Wilmington, DE 19808	Case Num	ber: Dist Ct MD 08-cv-0921 (PJM)
☐ YOU ARE COMMANDED to appear in the United States testify in the above case.	District court at the	place, date, and time specified below
PLACE OF TESTIMONY		
		COURTROOM
		DATE AND TIME
☐ YOU ARE COMMANDED.		·-
in the above case.	time specified belo	w to testify at the taking of a deposition
LACE OF DEPOSITION		
		DATE AND TIME
YOU ARE COMMANDED to produce and permit inspection place, date, and time specified below (list documents or object Attachment 4)	n and conving of the	following
place, date, and time specified below (list documents or object Attachment A.	ects):	o and on objects at the
LACE Michael S. Rothman, Esq. 401 East Jofferson St. D. i.		
Michael S. Rothman, Esq. 401 East Jefferson St. Suite 201 I	Rockville MD 20850 (301) DATE AND TIME
Michael S. Rothman, Esq. 401 East Jefferson St. Suite 201 I	Rockville MD 20850 (301) DATE AND TIME 2/19/2010
Michael S. Rothman, Esq. 401 East Jefferson St. Suite 201 I	Rockville MD 20850 (i	DATE AND TIME 2/19/2010 se date and time specified below.
Michael S. Rothman, Esq. 401 East Jefferson St. Suite 201 I 251-9660 YOU ARE COMMANDED to permit inspection of the followers	Rockville MD 20850 (DATE AND TIME 2/19/2010 The date and time specified below. DATE AND TIME
YOU ARE COMMANDED to permit inspection of the followard o	owing premises at the	2/19/2010 The date and time specified below. DATE AND TIME Shall designate one or more officers, set forth, for each person designated, the
Any organization not a party to this suit that is subpoenaed for the tractors, or managing agents, or other persons who consent to testify o atters on which the person will testify. Federal Rules of Civil Procedus SUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR P	aking of a deposition so its behalf, and may sure, 30(b)(6).	2/19/2010 DATE AND TIME DATE AND TIME Shall designate one or more officers, set forth, for each person designated, the NT) DATE 1/8/2010
Any organization not a party to this suit that is subpoenaed for the tractors, or managing agents, or other persons who consent to testify o atters on which the person will testify. Federal Rules of Civil Procedus SUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR P	aking of a deposition so its behalf, and may sure, 30(b)(6).	2/19/2010 DATE AND TIME DATE AND TIME Shall designate one or more officers, set forth, for each person designated, the NT) DATE 1/8/2010
Any organization not a party to this suit that is subpoenaed for the trectors, or managing agents, or other persons who consent to testify of atters on which the person will testify. Federal Rules of Civil Procedus SUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR P	aking of a deposition so its behalf, and may so ire, 30(b)(6). LAINTIFF OR DEFENDA LAINTIFF	2/19/2010 DATE AND TIME DATE AND TIME Shall designate one or more officers, set forth, for each person designated, the NT) DATE 1/8/2010

¹ If action is pending in district other than district of issuance, state district under case number.

	Case 8:08-cv-0 0921 <u>-</u> PJ	IM Document 373-3 Filed 07/30/ 10 Page 9 of 54
		PROOF OF SERVICE
•	DATE	PLACE
SERVED		
SERVED ON (PRINT	NAME)	MANNER OF SERVICE
ERVED BY (PRINT)	IAME)	TITLE
I declare under		DECLARATION OF SERVER laws of the United States of America that the foregoing information contained
Executed on	DATE	SIGNATURE OF SERVER
		ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

World Avenue U.S.A., LLC, et al., Defendants		MARYLAND
	SUBP	OENA IN A CIVIL CASE
Direct Brands, Inc FO: 1 Penn Plaza 250 W. 34th St. 4th Floor NY No. 1 c/o Corporation Trust Company, Registered A 1209 Orange St, Wilmington DE 19801		Number: Dist Ct MD 08-cv-0921 (PJM)
YOU ARE COMMANDED to appear in the U testify in the above case.	Inited States District court a	t the place, date, and time specified below t
LACE OF TESTIMONY		
		COURTROOM
_		DATE AND TIME
YOU ARE COMMANDED to appear at the pla in the above case. ACE OF DEPOSITION	ace, date, and time specified	below to testify at the taking of a depositio
ACE OF DEPOSITION		DATE AND TIME
place, date, and time specified below (list document)	mit inspection and copying (of the following documents or objects at the
YOU ARE COMMANDED to produce and periplace, date, and time specified below (list document A.	· 3 · · · · · · · · · · · · · · · · · · ·	of the following documents or objects at the
e Attachment A.	· 3 · · · · · · · · · · · · · · · · · · ·	
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¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE PLACE
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MANNER OF SERVICE
TITLE
DECLARATION OF SERVER
ne laws of the United States of America that the foregoing information containe
SIGNATURE OF SERVER
ADDRESS OF SERVER

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to

trial be commanded to travel from any such place within the state in which the

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Beyond Systems, Inc., Plaintiff	DISTRICT OF	MARYLAND
World Avenue U.S.A., LLC, et al., Defenda	SUBP nts	OENA IN A CIVIL CASE
Account Now, Inc TO: 2711 Centerville Rd, Suite 400 Wilmingto c/o Corporation Service Company, Regis 2711 Centerville Rd, Suite 400 Wilmingto	DD DE 19808	Number: Dist Ct MD 08-cv-0921 (PJM)
YOU ARE COMMANDED to appear in the testify in the above case.	ne United States District court a	t the place, date, and time specified below
PLACE OF TESTIMONY		
		COURTROOM
		DATE AND TIME
YOU ARE COMMANDED to appear at the in the above case.	e place, date, and time specified	below to testify at the taking of a deposition
LACE OF DEPOSITION		
YOU ARE COMMANDED to produce and place, date, and time specified below (1)	permit inspection and copying	DATE AND TIME
e Attachment A.	3	
e Attachment A.	3	of the following documents or objects at the
ACE Michael S. Hothman 401 East Jefferson St. (301)251-9660	Suite 201 Rockville MD 20850	of the following documents or objects at the
ACE Michael S. Hothman 401 East Jefferson St. (301)251-9660	Suite 201 Rockville MD 20850	of the following documents or objects at the
ACE Michael S. Hothman 401 East Jefferson St. (301)251-9660 YOU ARE COMMANDED to permit inspec	Suite 201 Rockville MD 20850	DATE AND TIME 2/19/2010 at the date and time specified below.
ACE Michael S. Hothman 401 East Jefferson St. (301)251-9660	Suite 201 Rockville MD 20850	of the following documents or objects at the
ACE Michael S. Hothman 401 East Jefferson St. (301)251-9660 YOU ARE COMMANDED to permit inspecting the second sections of the second sections, or managing agents, or other persons who conterns on which the person will testify. Federal Rule	Suite 201 Hockville MD 20850 ction of the following premises popenaed for the taking of a deposition on the testify on its behalf, and es of Civil Procedure, 30(b)(6).	DATE AND TIME 2/19/2010 at the date and time specified below. DATE AND TIME DATE AND TIME
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¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 1/94) Subpoena in a Civil Case	
	cument 373-3 Filed 07/3 0/10 Page 13 of 54
	OF OF SERVICE
DATE	PLACE
SERVED	FLACE
SERVED ON (PRINT NAME)	
(and the same of	MANNER OF SERVICE
ERVED BY (PRINT NAME)	
(Court House)	TITLE
DECLARAT	TION OF SERVER
I declare under penalty of perjury under the laws of the Leather the Proof of Service is true and correct.	United States of America that the foregoing information contained
Executed on	
DATE	SIGNATURE OF SERVER
	ADDRESS OF SERVER
le 45, Federal Rules of Civil Procedure, Parts C & D:	
PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.	
(1) A	

- (1) A party or an attorney responsible for the issuance and service of a ocena shall take reasonable steps to avoid imposing undue burden or expense person subject to that subpoena. The court on behalf of which the subpoena issued shall enforce this duty and impose upon the party or attorney in breach is duty an appropriate sanction which may include, but is not limited to, lost ings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying ssignated books, papers, documents or tangible things, or inspection of ises need not appear in person at the place of production or inspection unless nanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to ice and permit inspection and copying may, within 14 days after service of pena or before the time specified for compliance if such time is less than 14 after service, serve upon the party or attorney designated in the subpoena n objection to inspection or copying of any or all of the designated materials the premises. If objection is made, the party serving the subpoena shall not itled to inspect and copy materials or inspect the premises except pursuant order of the court by which the subpoena was issued. If objection has been the party serving the subpoena may, upon notice to the person commanded duce, move at any time for an order to compel the production. Such an to comply production shall protect any person who is not a party or an of a party from significant expense resulting from the inspection and
-) (A) On timely motion, the court by which a subpoena was issued shall or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
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trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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Beyond Systems, Inc., Plaintiff	DISTRICT OF		MARYLAND
World Avenue U.S.A., LLC, et al., Defendants		SUBPOENA I	N A CIVIL CASE
Rhapsody America, LLC TO: 11600 Sunrise Valley Dr. Suite 200 Reston V c/o Real Networks, Inc, Resident Agent 11600 Sunrise Valley Dr. Suite 200 Reston V		Case Number: ¹	Dist Ct MD 08-cv-0921 (PJM)
YOU ARE COMMANDED to appear in the Utestify in the above case.	Inited States Distric	t court at the place	, date, and time specified below t
PLACE OF TESTIMONY			
			COURTROOM
			DATE AND TIME
YOU ARE COMMANDED to appear at the plain the above case.	ace, date, and time s	pecified below to t	estify at the taking of a depositio
PLACE OF DEPOSITION			DATE AND TIME
YOU ARE COMMANDED to produce and per place, date, and time specified below (list docu ee Attachment A.	on or objects).		3 4.1.
LACE Michael S. Rothman, Esq. 401 East Jefferson S 251-9660	St. Suite 201 Rockvill	e MD 20850 (301)	DATE AND TIME
YOU ARE COMMANDED to permit inspection	on of the following	oremicas et the de	2/19/2010
REMISES		eremises at the dat	
			DATE AND TIME
Any organization not a party to this suit that is subpose rectors, or managing agents, or other persons who conse atters on which the person will testify. Federal Rules of	f Civil Procedure, 30	(b)(6).	designate one or more officers, rth, for each person designated, the
SSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF AT	TORNEY FOR PLAINTIN	FF OR DEFENDANT)	DATE
SUING OFFICER'S NAME ADDRESS AND THE	- Jes Court	HD)	1/8/2010
chael S. Rothman, Esq. 401 East Jefferson St. Suit	te 201 Rockville MI	20850 (301) 25:	1-9660
(See Rule 45, Federal Ru	lles of Civil Procedure, Parts C	& D on next rough	
	., . =	went pubel	

¹ If action is pending in district other than district of issuance, state district under case number.

Case 8:	08-cv-00921-PJM Document 373-3 Filed 97/30/10 Page 15 of 54
	PROOF OF SERVICE
	DATE PLACE
SERVED	
CEDUED ON 100	
SERVED ON (PRINT NAME)	MANNER OF SERVICE
SERVED BY (PRINT NAME)	
,,	TITLE
	DECLARATION OF SERVER
I declare under penalty on the Proof of Service is to	fnarium
I declare under penalty on the Proof of Service is to Executed on	f perjury under the laws of the United States of America that the foregoing information contained ue and correct.
	f perjury under the laws of the United States of America that the foregoing information contained ue and correct.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to

trial be commanded to travel from any such place within the state in which the

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Beyond Systems, Inc., Plaintiff	DISTRICT OF	MARYLAND
beyond Systems, Inc., Plaintill	SUBPOENA IN	A CIVIL CASE
World Avenue U.S.A., LLC, et al., Defendants		
	Case Number: Dis	st Ct MD 08-cv-0921 (PJM)
Columbia House TO: 1225 S. Market St Mechanicsburg PA 17055 c/o Belinda Showers, Resident Agent 1225 S. Market St Mechanicsburg PA 17055		
YOU ARE COMMANDED to appear in the Untestify in the above case.	nited States District court at the place,	date, and time specified below to
PLACE OF TESTIMONY		COURTROOM
		DATE AND TIME
☐ YOU ARE COMMANDED to appear at the pla in the above case.	ice, date, and time specified below to te	stify at the taking of a deposition
PLACE OF DEPOSITION		DATE AND TIME
YOU ARE COMMANDED to produce and per place, date, and time specified below (list docuse Attachment A.		wing documents or objects at the
PLACE Michael S. Rothman, Esq. 401 East Jefferson 251-9660	St. Suite 201 Rockville MD 20850 (301)	DATE AND TIME
YOU ARE COMMANDED to permit inspection	on of the following premises at the date	2/19/2010
PREMISES	on or the following premises at the date	DATE AND TIME
Any organization not a party to this suit that is subpodirectors, or managing agents, or other persons who commatters on which the person will testify. Federal Rules as ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF A Afford ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Michael S. Rothman, Esq. 401 East Jefferson St. Signature	sent to testify on its behalf, and may set for Civil Procedure, 30(b)(6). TTORNEY FOR PLAINTIFF OR DEFENDANT) TORNEY FOR PLAINTIFF OR DEFENDANT)	DATE 1/8/2010
(See Rule 45, Federal	Rules of Civil Procedure, Parts C & D on next page)	

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 1/94) Subporte in a City	108°CV (0921 PJM	Document 373 3 Filed 97/30/10 Page 17 of 54
	P	PROOF OF SERVICE
	DATE	PLACE
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE
	DEC	LARATION OF SERVER
I declare under penalty of in the Proof of Service is tru		of the United States of America that the foregoing information contained
Executed on		4
Excedice on	DATE	SIGNATURE OF SERVER
		ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

UNITED STATES DIST	RICT COURT
Beyond Systems, Inc., Plaintiff DISTRICT OF	MARYLAND
World Avenue U.S.A., LLC, et al., Defendants	SUBPOENA IN A CIVIL CASE
Columbia House (a.k.a. Direct Brands, Inc) TO: 1 Penn Plaza 250 W. 34th St. 4th Floor NY NY 10119 c/o Corporation Trust Company, Registered Agent 1209 Orange St, Wilmington DE 19801	Case Number: Dist Ct MD 08-cv-0921 (PJM)
YOU ARE COMMANDED to appear in the United States District testify in the above case.	t court at the place, date, and time specified below
PLACE OF TESTIMONY	COURTROOM
	COOKSROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and time spin the above case.	pecified below to testify at the taking of a deposition
PLACE OF DEPOSITION	DATE AND TIME
	1
YOU ARE COMMANDED to produce and permit inspection and c place, date, and time specified below (list documents or objects): ee Attachment A. LACE Michael S. Hothman 401 East Jefferson St. Suite 201 Hockville MD 20 (301)251-9660	
(301)251-9660	DATE AND TIME
YOU ARE COMMANDED to permit increase	2/19/2010
YOU ARE COMMANDED to permit inspection of the following p	premises at the date and time specified below.
	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking of rectors, or managing agents, or other persons who consent to testify on its belatters on which the person will testify. Federal Rules of Civil Procedure, 30(I SUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIF AND OFFICER'S NAME, ADDRESS AND PHONE NUMBER hael S. Rothman 401 East Jefferson St. Suite 201 Rockville MD 20856	b)(6). FOR DEFENDANT) DATE
(See Rule 45, Federal Rules of Civil Procedure, Parts C	& D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

——————————————————————————————————————	Civil Case 18-cv-00921 - PJM Doc	ument 373-3 Filed 07/30/10 Page 19 of 54
	PR	OOF OF SERVICE
•	DATE	PLACE
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
ERVED BY (PRINT NAME)		
,		TITLE
	DECLAI	
		RATION OF SERVER
I declare under penalty of the Proof of Service is tru		
I declare under penalty of the Proof of Service is tru Executed on		
	f perjury under the laws of t ue and correct.	he United States of America that the foregoing information contained

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Beyond Systems, Inc., Plaintiff	DISTRICT OF		MARYLAND
World Avenue U.S.A., LLC, et al., Defendants		SUBPOENA IN	A CIVIL CASE
BMG Music Service (a.k.a. Direct Brands, Inc) TO: 1 Penn Plaza 250 W. 34th St. 4th Floor NY NY 10 c/o Corporation Trust Company, Registered Agen 1209 Orange St, Wilmington DE 19801	1110	Case Number:¹D	ist Ct MD 08-cv-0921 (PJM)
☐ YOU ARE COMMANDED to appear in the United testify in the above case.	d States District	court at the place,	date, and time specified below to
PLACE OF TESTIMONY			COURTROOM
			DATE AND TIME
☐ YOU ARE COMMANDED to appear at the place, of in the above case.	late, and time sp	ecified below to te	estify at the taking of a deposition
PLACE OF DEPOSITION			DATE AND TIME
YOU ARE COMMANDED to produce and permit is place, date, and time specified below (list document See Attachment A.	is or objects):		wing documents or objects at the
PLACE Michael S. Hothman 401 East Jefferson St. Suite 20 (301)251-9660	1 Rockville MD 2	0850	DATE AND TIME
O VOLLARE COMMANDED A			2/19/2010
YOU ARE COMMANDED to permit inspection of PREMISES	the following p	remises at the date	e and time specified below.
			DATE AND TIME
Any organization not a party to this suit that is subpoenaed directors, or managing agents, or other persons who consent to matters on which the person will testify. Federal Rules of Civ	vil Procedure, 30(hair, and may set for b)(6).	designate one or more officers, rth, for each person designated, the
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORI	Party	F OR DEFENDANT)	DATE 1/8/2010
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER lichael S. Rothman 401 East Jefferson St. State 201 Rot	ckville MD 2085	0 (301)251-9660	
(See Rule 45, Federal Rules of	Civil Procedure, Parts C	& D on next page)	

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 1/94) Subpoena in a Civ	, "",	Document 373-3 Filed 0-7/30/10 Page 21 of 54
	PI	ROOF OF SERVICE
	DATE	PLACE
SERVED		
SERVED ON (PRINT NAME)		
- (Control totale)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE
	DECLA	A PATION OF STREET
		ARATION OF SERVER
I declare under penalty of parties is true	perjury under the laws of and correct.	f the United States of America that the foregoing information contained
Executed on		
	DATE	SIGNATURE OF SERVER
		ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Beyond Systems, Inc., Plaintiff	DISTRICT OF		MARYLAND
World Avenue U.S.A., LLC, et al., Defendants		SUBPOENA I	N A CIVIL CASE
Citibank Mastercard TO: 399 Park Ave NY NY 10043 c/o The Corporation Trust Incorporated, Regis 351 West Camden St, Baltimore MD 21201	tered Agent	Case Number:¹[Pist Ct MD 08-cv-0921 (PJM)
☐ YOU ARE COMMANDED to appear in the Un testify in the above case.	ited States District	court at the place	, date, and time specified below to
PLACE OF TESTIMONY			
			COURTROOM
			DATE AND TIME
☐ YOU ARE COMMANDED to appear at the place in the above case.	e, date, and time s	pecified below to t	estify at the taking of a deposition
PLACE OF DEPOSITION			
			DATE AND TIME
YOU ARE COMMANDED to produce and perm place, date, and time specified below (list docum See Attachment A. PLACE Michael S. Hothman, Esq. 401 Fast letterson St.	ionis of objects):		owing documents or objects at the
PLACE Michael S. Hothman, Esq. 401 East Jefferson St. 251-9660	. Suite 201 Rockville	MD 20850 (301)	DATE AND TIME
O VOLLARE CONTACTOR			2/19/2010
YOU ARE COMMANDED to permit inspection	of the following	premises at the dat	e and time specified below.
PREMISES			DATE AND TIME
Any organization not a party to this suit that is subpoen directors, or managing agents, or other persons who consermatters on which the person will testify. Federal Rules of ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTEMPTED AND TITLE (INDICATE IF ATTEMPTED)	Civil Procedure, 300	b)(6). FOR DEFENDANT)	Th, for each person designated, the
issuing officer's NAME, ADDRESS AND PHONE NUMBER lichael S. Rothman, Esq. 401 East Jefferson St. Suite	201 Rockville MI	20850 (301) 25	1/8/2010
	es of Civil Procedure, Parts (_

¹ If action is pending in district other than district of issuance, state district under case number.

	.00 CV 04321 1 31VI L	Document 373-3 Filed 97/30/10 Page 23 of 54
<u> </u>	F	PROOF OF SERVICE
	DATE	PLACE
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
ERVED BY (PRINT NAME)		TITLE
I declare under penalty of	of periury under the laws	ARATION OF SERVER of the United States of America that the foregoing information containe
n the Proof of Service is to	rue and correct.	
the Proof of Service is to Executed on	DATE	SIGNATURE OF SERVER

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Beyond Systems, Inc., Plaintiff DISTRICT OF	MARYLAND
World Avenue U.S.A., LLC, et al., Defendants	SUBPOENA IN A CIVIL CASE
Experian Information Solutions, I (a.k.a. Star Club Rewards) TO: 475 Anton Blvd Costa Mesa, CA 92626 c/o The Corporation Trust Incorporated (resident agent) 351 West Camden St Baltimore MD 21201	Case Number: Dist Ct MD 08-cv-0921 (PJM)
☐ YOU ARE COMMANDED to appear in the United States Distritestify in the above case.	ct court at the place, date, and time specified below to
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
☐ YOU ARE COMMANDED to appear at the place, date, and time in the above case.	specified below to testify at the taking of a deposition
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit inspection and place, date, and time specified below (list documents or objects) See Attachment A. PLACE Michael S. Rothman, Esq. 401 Fast Jefferson St. Suite 201 Rocky	
PLACE Michael S. Rothman, Esq. 401 East Jefferson St. Suite 201 Rocky 251-9660	ille MD 20850 (301) DATE AND TIME 2/19/2010
YOU ARE COMMANDED to permit inspection of the following	g premises at the date and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking directors, or managing agents, or other persons who consent to testify on its matters on which the person will testify. Federal Rules of Civil Procedure, 2	behalf, and may set forth, for each person designated, the $80(b)(6)$.
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAIN Afforment for Plain Issuing Officer's NAME, ADDRESS AND PHONE NUMBER Michael S. Rothman, Esq. 401 East Jefferson St. Suite 201 Rockville	tiff) 1/8/2010
(See Rule 45, Federal Rules of Civil Procedure, Pa	
(as C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

<u> </u>	P	ROOF OF SERVICE
	DATE	PLACE
SERVED		
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE
I declare under penalty of n the Proof of Service is tru	fperiury under the laws of	ARATION OF SERVER of the United States of America that the foregoing information contained
I declare under penalty of n the Proof of Service is tru	fperiury under the laws of	ARATION OF SERVER of the United States of America that the foregoing information contained

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Beyond Systems, Inc., Plaintiff	_ DISTRICT OF		MARYLAND
		SUBPOENA IN	N A CIVIL CASE
World Avenue U.S.A., LLC, et al., Defendan	ts		THE CASE
Experian/ConsumerInfo.com TO: 475 Anton Blvd Costa Mesa CA 92626 c/o The Corporation Trust Incorporated (re 351 West Camden St Baltimore MD 2120	esident agent) 1	Case Number:¹[Dist Ct MD 08-cv-0921 (PJM)
YOU ARE COMMANDED to appear in the testify in the above case.	e United States Distric	t court at the place	, date, and time specified below to
PLACE OF TESTIMONY			Louis
1			COURTROOM
			DATE AND TIME
☐ YOU ARE COMMANDED to appear at the in the above case.	place, date, and time s	specified below to t	
PLACE OF DEPOSITION			DATE AND TIME
YOU ARE COMMANDED to produce and place, date, and time specified below (list deee Attachment A.	ocuments or objects):		a construction of objects at the
PLACE Michael S. Hothman, Esq. 401 East Jeffers 251-9660	son St. Suite 201 Rockvil	le MD 20850 (301)	DATE AND TIME
			2/19/2010
YOU ARE COMMANDED to permit inspe	ction of the following	premises at the dat	te and time specified below.
REMISES			DATE AND TIME
Any organization not a party to this suit that is sulfirectors, or managing agents, or other persons who chatters on which the person will testify. Federal Rule SSUING OFFICER'S SIGNATURE AND TESTING OFFICER'S SIGNATURE.	es of Civil Procedure, 30	enait, and may set fo (b)(6).	designate one or more officers, orth, for each person designated, the
	ney for Plainte	IFF OR DEFENDANT)	DATE 1/8/2010
SSUING OFFICER'S NAME, ADDRESS AND PHONE NUMB ichael S. Rothman, Esq. 401 East Jefferson St.	Suite 201 Rockville M	0 D 20850 (301) 25	
(See Rule 45 Feel	eral Rules of Civil Personnel Parts		

¹ If action is pending in district other than district of issuance, state district under case number.

- Case 8:08	B-cv-00921-PJM Document 373-3 Filed 97/30#10 Page 27 of	54
	PROOF OF SERVICE	
	DATE PLACE	
SERVED		
SEDVED ON ODDITE		
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)		
SERVED BY (FRINT NAME)	TITLE	
l declare under penalty of p	DECLARATION OF SERVER	
I declare under penalty of penalty of penalty of the Proof of Service is true	Derium under the laws of the VIII to the	mation contained
I declare under penalty of p n the Proof of Service is true Executed on	perjury under the laws of the United States of America that the foregoing infore and correct.	mation contained
	Derium under the laws of the VIII to the	mation contained
	perjury under the laws of the United States of America that the foregoing infore and correct.	mation contained

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Ø.A	O88	(Rev.	1/94) Subpo	ena in a	Civil	Case
~~~	V/00	IIIV.	177111111111111111111111111111111111111			

# Issued by the

UNITED ST	ATES DIST	RICT COURT	•
	DISTRICT OF		MARYLAND
Beyond Systems, Inc., Plaintiff		SUBPOENA IN A	CIVIL CASE
World Avenue U.S.A., LLC, et al., Defendants			
		Case Number: Dist	Ct MD 08-cv-0921 (PJM)
Direct TV O: 2230 E. Imperial Hwy El Segundo CA 90245 c/o CSC Lawyers Incorporating Service Cor 7 St. Paul St. Suite 1660 Baltimore MD 2126	npany		
YOU ARE COMMANDED to appear in the testify in the above case.	United States Distric	t court at the place, d	ate, and time specified below t
ACE OF TESTIMONY			COURTROOM
T.			DATE AND TIME
YOU ARE COMMANDED to appear at the p in the above case.	place, date, and time	specified below to tes	
ACE OF DEPOSITION			DATE AND TIME
YOU ARE COMMANDED to produce and place, date, and time specified below (list do see Attachment A.	ocuments or objects)	:	
LACE Michael S. Hothman, Esq. 401 East Jefferso 251-9660	on St. Suite 201 Hock	Mile MD 20850 (301)	DATE AND TIME 2/19/2010
YOU ARE COMMANDED to permit inspe	ction of the following	ng premises at the dat	
REMISES			DATE AND TIME
Any organization not a party to this suit that is sultirectors, or managing agents, or other persons who natters on which the person will testify. Federal Ruissuing Officer's SIGNATURE AND TITLE (INDICATE	consent to testify on it	s behalf, and may set for a set for	DATE
Michael & Kolheran (Att	savy for Place	alf()	1/8/2010
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUM lichael S. Rothman, Esq. 401 East Jefferson St	BER L. Suite 201 Rockvill	e MD 20850 (301) 2	51-9660
IC. Dut- AC E-	deral Bules of Civil Procedure	Parts C & D on next name)	

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 1/94) Subpoens@as	<u> </u>	4 - <del>Document 373-3</del>	Filed 07/30/10	Page 29 of 54
	p	ROOF OF SERVICE		
	DATE	PLACE		
,	DATE			
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		MANNER O	ESERVICE	
SERVED ON (PRINT NAME)		MANNERO	r SERVICE	
OCCUPED BY (OBJECT NAME)		TITLE		
SERVED BY (PRINT NAME)				
	, DEC	LARATION OF SERVE	D	
	DEC	LARATION OF SERVE		
I declare under penalt in the Proof of Service i	ty of perjury under the laws s true and correct.	s of the United States of A	merica that the fore	going information contained
Executed on				
Exceuted on	DATE	SIGNATUR	E OF SERVER	
	,	ADDRESS	OF SERVER	
	i			

### Rule 45, Federal Rules of Civil Procedure, Parts C & D:

### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
  - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
  - (iv) subjects a person to undue burden.

#### (B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

			XI
Beyond Systems, Inc., Plaintiff	DISTRICT OF		MARYLAND
World Avenue U.S.A., LLC, et al., Defendants	S	UBPOENA IN	NA CIVIL CASE
America Online, Inc TO: 770 Broadway NY NY 10003 c/o Corporation Service Company, Registered 2711 Centerville Rd, Suite 400 Wilmington DE	l Agant	ase Number: ^I [	Pist Ct MD 08-cv-0921 (PJM)
☐ YOU ARE COMMANDED to appear in the Ur testify in the above case.	nited States District co	ourt at the place,	date, and time specified below
PLACE OF TESTIMONY			COURTROOM
			DATE AND TIME
YOU ARE COMMANDED to appear at the place in the above case.	ce, date, and time spec	cified below to to	estify at the taking of a deposition
ACE OF DEPOSITION			DATE AND TIME
YOU ARE COMMANDED to produce and pern place, date, and time specified below (list docure Attachment A.	nems or objects):		ming documents of objects at t
ACE Michael S. Hothman 401 East Jefferson St. Suite (301)251-9660	201 Rockville MD 208	50	DATE AND TIME
VOLLADE COMMANDES			2/19/2010
YOU ARE COMMANDED to permit inspection	of the following pre	mises at the dat	e and time specified below.
EMISES			DATE AND TIME
Any organization not a party to this suit that is subpose rectors, or managing agents, or other persons who conse atters on which the person will testify. Federal Rules of SUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTEMPT AND SUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER hael S. Rothman 401 Fast Lefferson St. Suither	Civil Procedure, 30(b)	OR DEFENDANT)	designate one or more officers, rth, for each person designated, th DATE 1/8/2010
hael S. Rothman 401 East Jefferson St. Suite 201			
(See Rule 45, Federal Rul	es of Civil Procedure, Parts C &	D on next page)	

¹ If action is pending in district other than district of issuance, state district under case number.

Case 8:0	-cv-00921-PJM_Document 373-3 Filed 0-730/10 Page 31 of 54
	PROOF OF SERVICE
	DATE PLACE
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ERVED ON (PRINT NAME)	
ON (FRINT NAME)	MANNER OF SERVICE
RVED BY (PRINT NAME)	
or (CRINT NAME)	TITLE
	DECLARATION OF SERVER
I declare under penalty of the Proof of Service is tru	
I declare under penalty of the Proof of Service is tru Executed on	DECLARATION OF SERVER  perjury under the laws of the United States of America that the foregoing information contains and correct.
	DECLARATION OF SERVER  perjury under the laws of the United States of America that the foregoing information contains and correct.  DATE  SIGNATURE OF SERVER
	perjury under the laws of the United States of America that the foregoing information contains and correct.

# (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and
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# **EXHIBIT B**

ATTORNEY AT LAW

401 EAST JEFFERSON STREET SUITE 201 ROCKVILLE, MARYLAND 20850

TELEPHONE: (301) 251-9660 FACSIMILE: (301) 251-9610 mike@mikerothman.com www.mikerothman.com

May 21, 2010

VIA FIRST CLASS MAIL

Discover Financial Services 2500 Lake Cook Rd Riverwoods, IL 60015 c/o The Corporation Trust Incorporated 351 West Camden St Baltimore MD 21201

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al.

Case No. PJM 08 cv 0921

To Whom It May Concern:

Please disregard the subpoena issued on January 8, 2010, from Beyond Systems, Inc ("BSI") requesting documents pertaining to the above referenced case. A new subpoena will be forthcoming. If you have not yet responded to the subpoena, please hold all responsive documents until you receive the new subpoena.

If you have any questions or would like to discuss this matter further, you can reach me at (301) 251-9660.

Very truly yours,

Michael Rothman

Michael Rollino

ATTORNEY AT LAW

401 EAST JEFFERSON STREET SUITE 201 ROCKVILLE, MARYLAND 20850

TELEPHONE: (301) 251-9660 FACSIMILE: (301) 251-9610 mike@mikerothman.com www.mikerothman.com

May 21, 2010

VIA FIRST CLASS MAIL

America Online, Inc 770 Broadway NY NY 10003 c/o Corporation Service Company, Registered Agent 2711 Centerville Rd, Suite 400 Wilmington DE 19808

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al.

Case No. PJM 08 cv 0921

To Whom It May Concern:

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Very truly yours,

Michael Rothman

Michael Rollins

ATTORNEY AT LAW

401 EAST JEFFERSON STREET SUITE 201 ROCKVILLE, MARYLAND 20850

TELEPHONE: (301) 251-9660 FACSIMILE: (301) 251-9610 mike@mikerothman.com www.mikerothman.com

May 21, 2010

VIA FIRST CLASS MAIL

StyleMyHouse, LLC 135 Townsend St. Suite 626 San Fransisco, CA 94110 c/o Corporation Service Company, Resident Agent 2711 Centerville Rd Suite 400 Wilmington, DE 19808

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

To Whom It May Concern:

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TELEPHONE: (301) 251-9660 FACSIMILE: (301) 251-9610 mike@mikerothman.com www.mikerothman.com

May 21, 2010

### VIA FIRST CLASS MAIL

Direct Brands, Inc 1 Penn Plaza 250 W. 34th St. 4th Floor NY NY 10119 c/o Corporation Trust Company, Registered Agent 1209 Orange St, Wilmington DE 19801

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

### To Whom It May Concern:

Please disregard the subpoena issued on January 8, 2010, from Beyond Systems, Inc ("BSI") requesting documents pertaining to the above referenced case. A new subpoena will be forthcoming. If you have not yet responded to the subpoena, please hold all responsive documents until you receive the new subpoena.

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Michael Rothman

Michael Rollina

ATTORNEY AT LAW

401 EAST JEFFERSON STREET SUITE 201 ROCKVILLE, MARYLAND 20850

TELEPHONE: (301) 251-9660 FACSIMILE: (301) 251-9610 mike@mikerothman.com www.mikerothman.com

May 21, 2010

### VIA FIRST CLASS MAIL

Account Now, Inc 2711 Centerville Rd, Suite 400 Wilmington DE 19808 c/o Corporation Service Company, Registered Agent 2711 Centerville Rd, Suite 400 Wilmington DE 19808

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

### To Whom It May Concern:

Please disregard the subpoena issued on January 8, 2010, from Beyond Systems, Inc ("BSI") requesting documents pertaining to the above referenced case. A new subpoena will be forthcoming. If you have not yet responded to the subpoena, please hold all responsive documents until you receive the new subpoena.

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Very truly yours,

Michael Rothman

Mechael Rollino

#### ATTORNEY AT LAW

401 EAST JEFFERSON STREET SUITE 201 ROCKVILLE, MARYLAND 20850

TELEPHONE: (301) 251-9660 FACSIMILE: (301) 251-9610 mike@mikerothman.com www.mikerothman.com

May 21, 2010

#### VIA FIRST CLASS MAIL

Rhapsody America, LLC 11600 Sunrise Valley Dr. Suite 200 Reston VA 20191 c/o Real Networks, Inc, Resident Agent 11600 Sunrise Valley Dr. Suite 200 Reston VA 20191

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

### To Whom It May Concern:

Please disregard the subpoena issued on January 8, 2010, from Beyond Systems, Inc ("BSI") requesting documents pertaining to the above referenced case. A new subpoena will be forthcoming. If you have not yet responded to the subpoena, please hold all responsive documents until you receive the new subpoena.

If you have any questions or would like to discuss this matter further, you can reach me at (301) 251-9660.

Very truly yours,

Medical Rothers

ATTORNEY AT LAW

401 East Jefferson Street Suite 201 ROCKVILLE, MARYLAND 20850

TELEPHONE: (301) 251-9660 FACSIMILE: (301) 251-9610 mike@mikerothman.com www.mikerothman.com

May 21, 2010

VIA FIRST CLASS MAIL

Kraft Foods Global, Inc (a.k.a. Tassimodirect.com) 800 Westchester Ave Rye Brook NY 10573 c/o The Corporation Trust Incorporated, Registered Agent 351 West Camden St Baltimore MD 21201

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

To Whom It May Concern:

Please disregard the subpoena issued on January 7, 2010, from Beyond Systems, Inc ("BSI") requesting documents pertaining to the above referenced case. A new subpoena will be forthcoming. If you have not yet responded to the subpoena, please hold all responsive documents until you receive the new subpoena.

If you have any questions or would like to discuss this matter further, you can reach me at (301) 251-9660.

Very truly yours,

Mechael Rottina

ATTORNEY AT LAW

401 East Jefferson Street Suite 201 ROCKVILLE, MARYLAND 20850

TELEPHONE: (301) 251-9660 FACSIMILE: (301) 251-9610 mike@mikerothman.com www.mikerothman.com

May 21, 2010

VIA FIRST CLASS MAIL

Blockbuster Online DVD Rental
1201 Elm St Dallas TX 75270
c/o CSC Lawyers Incorporating Service Company (Resident Agent)
7 St. Paul St, Suite 1660 Baltimore MD 21202

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

To Whom It May Concern:

Please disregard the subpoena issued on January 7, 2010, from Beyond Systems, Inc ("BSI") requesting documents pertaining to the above referenced case. A new subpoena will be forthcoming. If you have not yet responded to the subpoena, please hold all responsive documents until you receive the new subpoena.

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Very truly yours,

Michael Rothman

Michael Rottima-

ATTORNEY AT LAW

401 EAST JEFFERSON STREET SUITE 201 ROCKVILLE, MARYLAND 20850

TELEPHONE: (301) 251-9660 FACSIMILE: (301) 251-9610 mike@mikerothman.com www.mikerothman.com

May 21, 2010

VIA FIRST CLASS MAIL

Kraft Food, Inc
351 West Camden St Baltimore MD 21201
c/o The Corporation Trust Inc (resident agent)
351 West Camden St Baltimore MD 21201

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

To Whom It May Concern:

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If you have any questions or would like to discuss this matter further, you can reach me at (301) 251-9660.

Very truly yours,

Michael Rothman

Michael Rottima

ATTORNEY AT LAW

401 EAST JEFFERSON STREET SUITE 201 ROCKVILLE, MARYLAND 20850

TELEPHONE: (301) 251-9660 FACSIMILE: (301) 251-9610 mike@mikerothman.com www.mikerothman.com

May 21, 2010

VIA FIRST CLASS MAIL

Dish Network
7 St. Paul St Suite 1660 Baltimore MD 21202
c/o CSC Lawyers Incorporated Service Co (resident agent)
7 St. Paul St Suite 1660 Baltimore MD 21202

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

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May 21, 2010

#### VIA FIRST CLASS MAIL

Discover Financial Services
929 Barrington Dr. Waldorf MD 20602
c/o Dorothy Westberry (owner)
929 Barrington DR. Waldorf MD 20602

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al.

Case No. PJM 08 cv 0921

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May 21, 2010

VIA FIRST CLASS MAIL

Vonage
351 West Camden St Baltimore MD 21201
c/o The Corporation Trust Incorporated (resident agent)
351 West Camden St Baltimore MD 21201

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

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May 21, 2010

#### VIA FIRST CLASS MAIL

Match.com
836 Park Ave 2nd Floor Baltimore MD 21201
c/o National Registered Agents, Inc of MD (resident agent)
836 Park Ave 2nd Floor Baltimore MD 21201

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

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May 21, 2010

VIA FIRST CLASS MAIL

Netflix
836 Park Ave 2nd Floor Baltimore MD 21201
c/o National Registered Agents, Inc of MD (resident agent)
836 Park Ave 2nd Floor Baltimore MD 21201

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May 21, 2010

VIA FIRST CLASS MAIL

Columbia House 1225 S. Market St Mechanicsburg PA 17055 c/o Belinda Showers, Resident Agent 1225 S. Market St Mechanicsburg PA 17055

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al.

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May 21, 2010

#### VIA FIRST CLASS MAIL

Columbia House (a.k.a. Direct Brands, Inc)
1 Penn Plaza 250 W. 34th St. 4th Floor NY NY 10119
c/o Corporation Trust Company, Registered Agent
1209 Orange St, Wilmington DE 19801

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

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May 21, 2010

#### VIA FIRST CLASS MAIL

BMG Music Service (a.k.a. Direct Brands, Inc) 1 Penn Plaza 250 W. 34th St. 4th Floor NY NY 10119 c/o Corporation Trust Company, Registered Agent 1209 Orange St, Wilmington DE 19801

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

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May 21, 2010

VIA FIRST CLASS MAIL

Citibank Mastercard 399 Park Ave NY NY 10043 c/o The Corporation Trust Incorporated, Registered Agent 351 West Camden St, Baltimore MD 21201

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

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May 21, 2010

VIA FIRST CLASS MAIL

Experian/ConsumerInfo.com
475 Anton Blvd Costa Mesa CA 92626
c/o The Corporation Trust Incorporated (resident agent)
351 West Camden St Baltimore MD 21201

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

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May 21, 2010

VIA FIRST CLASS MAIL

Direct TV 2230 E. Imperial Hwy El Segundo CA 90245 c/o CSC Lawyers Incorporating Service Company 7 St. Paul St. Suite 1660 Baltimore MD 21202

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al.

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May 21, 2010

#### VIA FIRST CLASS MAIL

Intersections Inc
351 West Camden St Baltimore MD 21201
c/o The Corporation Trust Inc (resident agent)
351 West Camden St Baltimore MD 21201

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al. Case No. PJM 08 cv 0921

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May 21, 2010

VIA FIRST CLASS MAIL

Body Sculpture 2531 Uniontown Rd Westminster MD 21157 c/o David Krolicki (resident agent) 2531 Uniontown Rd Westminster MD 21157

Re: Beyond Systems, Inc. v. World Avenue USA, LLC, et al.

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